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April 30, 2019

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Expanding Flexible Use of the 3.7 GHz to 4.2 GHz Band, GN Docket No. 18-122; Promoting Investment in the 3550-3700 MHz Band, GN Docket No. 17-258; Revision of Part 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure (U-NII) Devices in the 5 GHz Band, ET Docket No. 13-49; Petition for Waiver to Allow Deployment of Intelligent Transportation System Cellular Vehicle to Everything (C-V2X) Technology, GN Docket No. 18-357*

Dear Ms. Dortch:

On April 26, 2019, David Don and I, on behalf of Comcast, met with Aaron Goldberger, Acting Wireless Advisor to Chairman Pai regarding the above-captioned proceedings.

We discussed the importance of protecting existing C-Band services for the hundreds of millions of Americans who rely on video programming delivered via C-Band every day. We also explained that, if such protection can occur, the Commission can and should move quickly to allocate and assign mid-band spectrum for terrestrial wireless use through a transparent FCC auction. The attached presentation guided our discussion of these issues.

We also discussed the status of 3.5 GHz Citizens Broadband Radio Service ("CBRS") band, and urged the Commission to take steps to enable expeditious access to the band.

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Finally, we encouraged the Commission to adopt a Notice of Proposed Rulemaking to take a “fresh look” at unlicensed use of the 5.9 GHz band to help address the substantial need for new spectrum for Wi-Fi services and other applications, consistent with the letter filed by NCTA – The Internet & Television Association.¹

Please direct any questions to the undersigned.

Respectfully Submitted,

/s/ Brian M. Josef

Brian M. Josef

Comcast Corporation

Attachment

cc: Aaron Goldberger

¹ Letter from Rick Chessen, Senior Vice President, Legal & Regulatory Affairs and Chief Legal Officer, NCTA – The Internet & Television Association, to Marlene H. Dortch, Secretary, FCC, ET Docket No. 13-49 (filed Oct. 16, 2018).



Expanding Flexible Use of the 3.7-4.2 GHz Band

**GN Docket No. 18-122
April 2019**

3.7-4.2 GHz C-Band – Heavily Utilized

- Comcast and NBCUniversal rely on the C-Band extensively.

~84%

of Comcast's cable channels' primary signals received *via C-Band*

900+

small/midsize cable systems rely on HITS *via C-Band*

114 million+

households rely on NBC affiliates receipt of video *via C-Band*

2,000+

MVPD headends receive NBCUniversal cable network content *via C-Band*

- **C-Band spectrum remains the ideal medium** for video distribution; there is no comparable substitute.
- **The FCC must ensure these important services are protected.** With a balanced approach, 5G goals can be expeditiously met without interference to C-Band downlinks that would harm American consumers.
- **Critical technical questions** in the record about the C-Band Alliance (CBA) proposal remain unanswered, despite ample opportunity for CBA to show their work.

Importance of C-Band Spectrum

- **Ensuring sufficient spectrum, including mid-band,** to help close the digital divide and secure U.S. leadership in next generation wireless services is important.
- **The Commission can and should move quickly** to allocate and assign more mid-band spectrum for terrestrial wireless use, building on its success in finalizing 150 megahertz for CBRS.
- **Transparency, widespread participation, and a disinterested administrator** are critical in making such important spectrum available for 5G. A backroom beauty contest with private parties picking winners and losers should be a non-starter.
- **A C-Band reallocation that does not fully protect incumbents would be unwise** in spectrum heavily utilized for services that remain highly important to consumers' day-to-day activities.

CBA Proposal – A Black Box in Terms of Protecting Incumbents

- **The record remains devoid of rigorous analysis.** There is no way to objectively view this record as demonstrating that incumbents will be protected.
- **Promise to launch new satellites raises more questions than it answers.**
 - When and how can 8 new satellites be launched to preserve C-Band capacity?
 - Would any of these satellites actually supplement the fleet, or merely replace sub-optimal satellites or those nearing end of life?
- **Filters do not exist and would not be a panacea if they did.** Filters only mitigate interference; they do not prevent it.
- **CBA has made no C-Band FSS price commitments.** Prices generally go up when supply goes down, making this a conspicuous and telling omission.

CBA Proposal – Legally Problematic

- **The Commission is legally compelled to auction this spectrum.** Mutual exclusivity requires an auction, and multiple parties are clearly interested here.
- **Section 309(j)** reflects Congress's direction for competition, no excessive concentration of licenses, opportunity for a wide variety of applicants, recovery for the public of the value of spectrum, and no unjust enrichment.
- **CBA's purported "precedent" is inapposite.**
 - CBA's examples of private spectrum transactions (Spectrum Co., XO, Straight Path, Fiber Tower) actually support an auction, not an end-run of an auction.
 - These licenses were initially auctioned, and licenses reclaimed by the FCC in connection with those transactions have been, or soon will be, auctioned.
- **Congress contemplated that the C-Band would be auctioned.** RAY BAUM'S Act expressly envisions "the assignment of new licenses by *competitive bidding*."
- **The Commission cannot subdelegate its authority to reallocate spectrum for flexible use, or to create and assign new terrestrial C-Band licenses.**

CBA Proposal – Contrary to the Public Interest

- **The Commission has a proven track record of transparency and balancing the interests of buyers, sellers, existing users, and the American public.** CBA is untested, has an agenda of its own, and could take years.
 - The FCC could conduct an auction and transition in the same 18-36 month timeframe, with transparent, enforceable deadlines. CBA has no transition plan or schedule and opposes deadline enforcement.
 - Auction proceeds could be used to make incumbents whole, or new licensees could be required to shoulder Transition costs directly. Auction revenues could help fund Congressional priorities.
- **CBA would *not* help middle America – it would leave it behind.** CBA has incentives to sell only to the largest carriers who may never deploy in rural areas.
- **CBA “commitments” are meaningless and unenforceable.** All commitments are expressly conditioned on adoption of its proposal “*in all material respects.*”
- **It would set a terrible precedent for the Commission to bow to CBA’s threats.**

Charting A Path Forward

- **Protecting incumbents is a must.** Hundreds of millions of Americans rely on current C-Band services every day.
- **The Commission can quickly move toward an auction** with both speed and care.
- **CBA's proposal violates Sec. 309(j), is riddled with uncertainty, and should be rejected.**
- **An FCC auction would get it right, and can proceed expeditiously.** Given the importance of mid-band spectrum, it is critically important that the U.S. does not permit private parties to pick winners and losers.